European search report; three of these are U.S. Pat. Nos. 4,585,757; 5,489,575; and 5,607,676 (hereinafter the '757, '575 and 676 patents, respectively) which disclose pharmaceutical compositions comprising various peptides that fall within the scope of composition claims 24 and 25. The fourth reference, WO 96/41640 is already of record (see Ref. BH of the IDS filed 12/1/99)

An Information Disclosure Statement (IDS) is filed herewith citing the three U.S. patents from the European search report. Applicants hereby request that these patents be made of record in the instant application. As these three patents became known to Applicants for the first time through the European search report, which was received less than three months before the filing of this amendment and the accompanying IDS, no fee is believed due with respect to the filing of the IDS. If, however, a fee is due in connection therewith, please charge the fee to deposit account 50-0573.

The '757, '575 and 676 patents disclose pharmaceutical compositions made with certain peptides that fall within the generic formula recited in part (a) of claim 24 (see col. 2, lns. 37 – 49 and col. 2, lns. 50 – 56 of the '757 patent; col. 1, lns. 53 - 56 and col. 2, lns. 1 - 3 of the '575 patent; and col. 6, lns. 34 – 37, col. 7, lns. 20 – 21 and lns. 39 – 43, and col. 8, lns. 50 – 64 of the '676 patent). Thus, part (a) of claim 24 has been deleted. Because deletion of part (a) removes the generic formula of the peptide recited in part (b) of dependent claim 25, this peptide has been incorporated into claim 24. This peptide is not disclosed in the '757, '575 and 676 patents.

Also, the '757 patent discloses a pharmaceutical composition made with the peptide recited in part (a) in claim 25; thus, part (a) of claim 25 has been deleted. As mentioned above, the peptide of part (b) has been incorporated into claim 24, and is thus deleted from this claim. Applicants submit that claims 24 and 25 as amended are patentable over the '757, '575 and 676 patents.

The remaining claims in the present application are claims directed to methods of inhibiting thrombin-induced platelet or other cell activation, preventing platelet aggregation, or identifying compounds that selectively inhibit thrombin-induced platelet or other cell activation with the claimed peptides. The '757, '575 and 676 patents do not disclose or suggest such methods.

Specifically, the '757 patent discloses methods treating hypertension, the '575 patent discloses methods of killing bacteria, and the '676 patent discloses methods of generating an

immune response against gastrins. Thus, these patents do not anticipate or render obvious the allowed method claims.

Conclusion

The amendments to claims 24 and 25 render these claims patentable over the '757, '575 and 676 patents. Moreover, these patents are not relevant to the patentability of the remaining allowed method claims. Thus, the present amendments should be entered and the application should proceed to issue. Applicants request an early and favorable action in this regard.

Respectfully submitted,

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Appendix A – "Marked-up" Version of Amended Claims as Required Under 37 C.F.R. 1.121(c)(1)(ii)

24. (once amended) A pharmaceutical composition comprising a pharmaceutically acceptable carrier and a compound comprising Arg-Pro-Pro-Ala-Phe (SEQ ID NO:6) or one or more segments having the amino acid sequence X_1-Arg-Pro-Pro-X_2, wherein the compound has a formula [selected from the group consisting of:

X_1-Arg-Pro-Pro-X_2; and]

L-(X_1-Arg-Pro-Pro-X_2)$_n$;

wherein:

X_1, which may be the same or different in each segment, is from zero to thirty natural or synthetic amino acids;

X_2, which may be the same or different in each segment, is from zero to thirty natural or synthetic amino acids, provided that the N-terminal amino acid of X_2 is not glycine;

L is a linker comprising a covalent bond or chemical group; and

n is an integer from two to twenty.

25. (once amended) The pharmaceutical composition of claim 24 comprising a pharmaceutically acceptable carrier and a compound having a formula selected from the group consisting of:

[(a) Arg-Pro-Pro;

(b) Arg-Pro-Pro-Ala-Phe (SEQ ID NO:6);

(c)] (a) Arg-Pro-Pro-Lys
|
Arg-Pro-Pro-Asp; and

[(d)] (b)